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EXAMINER
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RIES, LAURIE ANNE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JONATHAN R. MERRIL

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Appeal 2008-3185  
Application 09/955,939  
Technology Center 2100

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Decided: January 22, 2009

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Before JAMES D. THOMAS, JEAN R. HOMERE,  
and STEPHEN C. SIU, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's  
twice rejection of claims 1 through 23. We have jurisdiction under

35 U.S.C. § 6(b). This application is a CIP of 09/073,871, filed on May 7, 1998, and the subject of appeal 2003-1858 decided on March 12, 2004. An Oral Hearing was conducted in this appeal on November 18, 2008.

We affirm.

#### A. The Invention

The disclosed invention relates to apparatus for capturing a live presentation and/or digitally recording and storing a lecture presentation using still images. Various means are disclosed for capturing these still images during a lecture or live presentation. These include digital cameras such as those in disclosed figures 2 and 4 that feed the video “capture” board 302 within the computer 102 as illustrated in figure 3. The generation/capturing of still images may also be provided by the well known software package PowerPoint ®.

#### B. Illustrative Claim

Claim 1 is considered exemplary and is reproduced below:

1. An apparatus for capturing a live presentation comprising:

means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience;

means for recording the audio portion of a speaker’s presentation during a live presentation; and

means for automatically synchronizing change over from one electronic still image to another with the audio recording.

### C. Prior Arts and Rejections

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Fujioka	US 5,414,481	May 9, 1995
Lin	US 5,978,818	Nov. 2, 1999
Parasnis	US 6,728,753 B1	Apr. 27, 2004
		(filing date November 1, 1999)

Karam, Gerald M., "Visualization Using Timeliness", Proceedings of the 1995 ACM SIGSOFT International Symposium on Software Testing and Analysis, August 1995, pp. 125-137.

Uchihashi, Shingo, "Video Manga: Generating Semantically Meaningful Video Summaries", Proceedings of the Seventh ACM International Conference on Multimedia (Part 1), October 1999, pp. 383-392

Claims 1 through 10 and 17 through 22, stand rejected under 35 U.S.C. § 102(e) as being anticipated by Parasnis. In a first rejection under 35 U.S.C. § 103, the Examiner relies upon Parasnis with Karam as to dependent claim 11. As to claims 12 through 15, the Examiner relies upon Uchihashi in view of Parasnis within 35 U.S.C. § 103 in a second stated rejection under this statutory provision. In a third stated rejection under 35 U.S.C. § 103 as to claim 16, the Examiner relies upon Parasnis in view of Uchihashi, further in view of Lin. Lastly, in the fourth stated rejection of the claims under 35 U.S.C. § 103, as to claim 23, the Examiner relies upon Parasnis in view of Fujioka.

## II. ISSUES

Based upon the contentions between the Examiner and the Appellant derived from the Brief and Reply Brief as well as the Answer, the pivotal issue before us is whether Appellant has shown that the Examiner erred in finding that Parasnis anticipates one clause of independent claim 1 and one clause of independent claim 20. More specifically, as to claim 1 the issue focuses upon the claimed “means for capturing during the live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience.” The corresponding feature in independent claim 20 is the clause reciting “a capturing component configured to capture digital still image data from data used to generate the still image, while the still image is being displayed by the still image generator.”

Secondary issues are provided by the limitations of dependent claims 2 through 5, and whether the Examiner has erred in finding that these features are also taught by Parasnis. No other dependent claim within the anticipation rejection has been argued in the Brief and Reply Brief. Likewise, none of the first through fourth stated rejections within 35 U.S.C. § 103 for various other dependent claims have been argued in the Brief and Reply Brief. Each of these separately stated rejections discussed at pages 10 and 11 of the principal Brief on appeal rely for patentability upon the quoted feature with respect to their parent independent claim.

### III. FACTS AND ANALYSIS

With respect to the Examiner's initial statement of the rejection of independent claim 1 on appeal relying upon the teachings at column 4 of Parasnis as expressed at pages 5 and 6 of the Answer, the Examiner slightly modifies his views with respect to the teachings of this reference at page 13 of the Answer where the Examiner focuses upon the illustrated NetShow server capturing during a live presentation electronic still images for display by a display device which displays said electronic still images for viewing by an audience. The Examiner also relies upon the assertion that the claim language does not preclude an alternative interpretation of the use of the illustrated video camera such as in figure 9 of Parasnis as providing an independent means of capturing both the presenter of the live presentation as well as the still image projected on the projection screen as shown in figure 9.

Correspondingly, Appellant basically asserts as to independent claims 1 and 20 that electronic still images are not captured during a live presentation and that the capturing of video is not a capture of electronic still images as two major topics in both the Brief and Reply Brief regarding the alleged absence of anticipatory teachings in Parasnis. The Examiner's additional reliance upon the NetShow server is discussed at page 2 of the Reply Brief urging that Parasnis does not appear to teach sending HTML slides to this server during a live presentation.

We do not agree with these urgings. Of particular interest to us, and in addition to those figures and teachings relied upon by the Examiner as to Parasnis, we note the Abstract and the Summary of the Invention beginning at column 3 through column 6 as well as the showings in figures 1, 3, 9 through 12, 19, and 20, for example. The PowerPoint presentation approach utilized by Appellant in the disclosed invention to provide in part a basis of capturing slide or still images is also taught extensively in Parasnis as a basis for a presentation of corresponding still images. Figure 9 shows this to the left of the figure as well as the actual use of a video camera that captures both the images of the presenter as well as the projected still images (note figure 10) which are correspondingly disclosed as video captured and audio captured by the respective capture devices to the right middle of figure 9. All of this is fed through encoding computer 1166 and sent to the NetShow server 1170 and then correspondingly fed to Internet server 1190 and the respective user display devices illustrated at the bottom of representative figure 9.

Figure 12 is similar to figure 9 but does not utilize the NetShow server 1170. The encoder computer 1166 performs the running of the PowerPoint presentation. With respect to the corresponding discussion of this figure in the paragraph bridging columns 21 and 22, it appears that the capturing in this embodiment includes the capturing of the audio and video presenter and images of the live presentation but also the capturing of the presentation slides which are all embedded within a given data stream for transmission to the Network hub computer 1190.

Thus, the artisan would well understand that there is a means for capturing during a live presentation electronic still images for display by a display device which displays the electronic still images for viewing by an audience as claimed which includes the audience of the receiving viewers. It is noted that claim 1 does not require the capture of the live presentation itself nor does it require that the capturing be at a display device that displays electronic still images. Likewise, the artisan would well understand that there exists in Parasnis a capture component configured to capture digital still image data from data used to generate the still images at the same time or while the still image data is being displayed by a still image generator as recited in independent claim 20.

Even though the bulk of the arguments in the Brief and Reply Brief focus upon the pre-transmission of the HTML slide information prior to the beginning of the live presentation such as by or through the NetShow server relied upon by the Examiner in figure 9, from the viewer's perspective of the user looking at the display terminals at the bottom of figure 9, the capturing is occurring during the live presentation shown at the top of figure 9.

Figure 10 of Parasnis appears to show the capturing of electronic still images at the same time of the capturing of the actual presentation itself by the video camera 1160 as in figure 9. In contrast to independent claim 20, independent claim 1 does not require the capturing of digital still image data but only the capturing of the "electronic" still images per se. Likewise, even according to the figure 9 showing, the video camera 1160 does provide through the video capturing circuits provided the middle of this figure digital still image data for presentation to the viewers at the bottom of figure 9.



Although not actually illustrated in figure 10, the video camera 1160 certainly is capable of capturing both the presenter of the live presentation as well as the still images projected on the projection screen in figure 9 as argued by the Examiner at the bottom of page 13 of the Answer.

Additionally, the above discussion relative to the showing at figure 12 illustrates the capturing of the actual digital image data per se among the data that is transmitted in the data stream by the hub 1190 to the viewer at the bottom of figure 12. Notwithstanding these actual teachings, the artisan would well understand that video imaging per se encompasses the capturing of a series of still images which are successively presented.

With respect to the separate arguments as to the features of dependent claims 2 through 5 at pages 7 and 8 of the Brief, we agree with the Examiner's corresponding teachings pointed out in the initial statement of the rejection as to these claims at page 6 of the Answer and the Responsive Arguments portion of the Answer at pages 14 and 15 as well. The Reply Brief itself only addresses at page 7 the feature of dependent claim 2 and presents no additional arguments as to claims 3 through 5. We agree initially with the Examiner's slide presentation triggering signals that are generated to be streamed with the actual video data as a base for the claimed routing of signals used or intended to drive the display device. The corresponding means in Parasnis includes the cabling as well as the triggering of the signals discussed at column 4 as relied upon by the Examiner. Even the arguments at page 7 rely in part upon a well known interface cabling technique that is standard in the electronic arts. Their remarks at page 7 of the Reply Brief also admit that Parasnis described

generating certain script commands in response to slide trigger events and routing them to the receiving computer but alleges that the reference does not describe routing the signal intended to drive the display device to the means for synchronizing as in claims 2. In addition to the actual portion of column 4 relied upon by the Examiner in Parasnis, the discussion following through a good portion of column 5 expands upon the streaming capabilities of the actual data signals conveyed to the viewing audience, such as those at the bottom of figure 9 and 12 of Parasnis. Thus, the arguments at pages 4 and 5 of the Reply Brief regarding this claim are also unpersuasive. Moreover, the data streaming teachings in Parasnis, well recognized by Appellant, are also consistent with the Appellant's own teaching at Specification page 13 of the "capturing" of video information by computer 102 and automatically detecting slide change information and providing them all within a single signal encoded data stream.

#### IV. CONCLUSIONS

In view of the forgoing, we have concluded that Appellant has not shown that the Examiner erred in rejecting claims 1 through 23 on appeal. These claims are not patentable.

#### V. DECISION

In view of the foregoing, we affirm each of the Examiner's rejections of claims 1-10 and 17 through 22 under 35 U.S.C. § 102 and the four separate rejections of dependent claims 11 through 16, and 23 under 35 U.S.C. § 103.

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Application 09/955,939

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. §1.136(a). See 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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